

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEITH L. DYSON,

Defendant.

8:05CR362

ORDER

Defendant Keith L. Dyson (Dyson) appeared before the court on September 10, 2014, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 43). Dyson was represented by Assistant Federal Public Defender Jeffrey L. Thomas and the United States was represented by Assistant U.S. Attorney John E. Higgins. Through his counsel, Dyson waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find the Petition alleges probable cause and Dyson should be held to answer for a final dispositional hearing before Judge Joseph F. Bataillon.

The government moved for detention. Through counsel, Dyson declined to present any evidence or request a hearing on the issue of detention. Since it is Dyson's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Dyson has failed to carry his burden and that Dyson should be detained pending a dispositional hearing before Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:30 a.m. on October 10, 2014**. Defendant must be present in person.

2. Defendant Keith L. Dyson is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 10th day of September, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge